

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

MICHAEL HOWARD HUNTER,
Petitioner,
vs.
UNITED STATES OF AMERICA,
Respondent.

NO. CV-07-408-FVS
ORDER DISMISSING PETITION

By Order filed March 17, 2008, the court directed Mr. Hunter to show cause why his petition should not be dismissed under Rule 4, Rules Governing Section 2254 Cases in the United States District Courts. Plaintiff had failed to allege he exhausted his remedies in his state court criminal proceedings and in any appropriate state court appeal or collateral challenge. *O'Sullivan v. Boerkel*, 526 U.S. 838, 842-43 (1999); 28 U.S.C. § 2254(c). Petitioner did not respond to the court's Order and has filed nothing further in this action.

Accordingly, **IT IS ORDERED** the Petition is **DISMISSED without prejudice** for failure to exhaust.

IT IS SO ORDERED the District Court Executive is directed to enter this Order, enter judgment, forward a copy to Petitioner at his

last known address and close the file.

DATED this 18th day of April 2008.

s/ Fred Van Sickle
FRED VAN SICKLE
UNITED STATES DISTRICT JUDGE